

LEASING OF CERTAIN LANDS IN THE UNCOMPAHGRE
RESERVATION.

JUNE 13, 1898.—Committed to the Committee of the Whole House on the state of
the Union and ordered to be printed.

Mr. LACEY, from the Committee on the Public Lands, submitted the
following

REPORT.

[To accompany S. 4317.]

The Committee on the Public Lands, to whom was referred Senate bill 4317, having had the same under consideration report the same back with amendment.

Your committee are of the opinion that the gilsonite, elaterite, and asphaltum in the Uncompahgre Reservation should not be longer withheld from use, but that some suitable arrangement should be made for opening and working the same.

The question is one upon which there has been previous marked disagreement between the Senate and the House.

The House has expressed its views on several occasions after full discussion by adopting amendments to appropriation bills providing for the leasing and operation of deposits of these minerals upon a royalty to the Government. On the other hand, the Senate has insisted upon opening and practically donating these minerals by entry under the general mineral-land laws of the United States.

The Senate bill 4317 is substantially in the line of the amendments made in the Senate and heretofore rejected in the House.

Your committee report back the Senate bill with the recommendation that it be amended by striking out all after the enacting clause and inserting the following as an amendment:

The Secretary of the Interior is hereby authorized to lease the reserved lands containing asphaltum, gilsonite, elaterite, and kindred substances in the Uncompahgre Reservation in Utah; said leases to be upon such royalty as the said Secretary may determine to be reasonable, and said leases to be for such periods, not exceeding ten years, as he may determine; and regulations and limitations shall be provided by the Secretary as to the amount of lands embraced in each lease, or as to assignments of said leases, so as to prevent any monopoly of said minerals; and the Secretary will make all such rules and regulations as may be necessary for the purpose of carrying out the objects of this act.

Amend the title by striking out the word "opening" and inserting "leasing."

The question as to what should be done with these valuable minerals upon this reservation has been in controversy for several years, both in and out of Congress.

The mineral-land laws are not fairly applicable to such minerals because of the difference in the conditions. The gilsonite and elaterite are in rich deposits in this reservation, but, though they are rich, they are quite limited in area, and if opened under the general mineral-land laws would speedily pass into the hands of a few individuals or corporations and be wholly monopolized. The anxiety to control these deposits was strikingly evidenced on March 4, 1897.

In the closing hours of the last session of the Fifty-fourth Congress the House finally yielded reluctantly to the contention of the Senate, and a clause was permitted to remain in an appropriation bill in the same form substantially as the present bill was passed in the Senate.

Notwithstanding the remoteness of this reservation word was received in Utah of the passage of the bill, and more than 30 claims were at once filed upon the gilsonite deposits. The President refused to approve the bill and the parties making the filings were not able to secure the possession of this very valuable property.

It appears that the State mine inspector of the State of Utah on March 4, 1897, acting as the agent of a number of prominent men, immediately posted notices of their claims upon this land as soon as the act giving it away was passed. The "horny handed" and laborious prospector was not the one to make the locations.

It was stated in debate on a former occasion, by a friend of the proposed donation, that "500 men started for the reservation on the day it was supposed that the President would sign the bill opening the mineral lands."

If the President had not, by his timely "pocket veto," prevented the law from going into effect these 500 men would have found that their race had been run in vain, for the "gilsonite sooner" had already staked and claimed the richest veins before the arrival of the crowd.

There is only one way to prevent a scandalous capture of this mineral wealth by a few shrewd men, and that is to act upon the suggestion so often urged by the Interior Department and grant leases upon a suitable royalty on long enough time to justify opening them, and in such manner as to insure competition in the output. Thus the public will be protected from extortion and a revenue can be derived for the benefit of the national Treasury. At a time when the Congress is exercising its ingenuity to devise means of raising revenue is a singularly unpropitious time to squander the nation's wealth.

The veins of gilsonite are 4 to 12 feet in thickness. (Report of Secretary of Interior, 1895.)

One of the veins has been traced for about 5 miles, with a maximum thickness of 8 feet. (Ib.)

And yet it is proposed to give this deposit to the man who will win in the race for filing.

It would only be a question of speed in reaching the land office after the law passes, and would lead to sore temptation to the officials who would be placed in charge of the donation of these bonanzas of wealth. Let us not lead them into temptation. Such legislation in regard to choice tracts of farm land developed that product of recent years known as the "sooner." The "sooners" of Oklahoma would be left wholly in the shade by the new and improved "gilsonite sooner," who

would rush in and, without risk or cost to himself, take possession of the mineral wealth platted and pointed out to him by the Government.

"The potentiality of wealth beyond the dreams of avarice" would be given away as a reward to the diligent searcher of the mineral vein of enrolled bills in the Capitol, instead of going, as in the case of ordinary mineral lands, to the actual discoverer.

These deposits have been surveyed at the expense of the Government, and no skill or expense is involved in locating them.

The ordinary risk and expense of seeking other minerals is an adequate consideration for the donation of the claims by the Government to the discoverers. But as to these minerals they are already discovered, and have been traced and platted by the Government and publications issued at public expense fully describing their location and area.

To give these deposits away to the first comer, who need exercise no other skill or expense than to haunt the Capitol and learn at the earliest date as to the passage of the bill donating the minerals to the first man who may file a claim, bears no analogy whatever to that of the honest prospector who, with his pick and shovel, goes into the mountains and, after untold hardships, discovers the wealth hidden by nature in the rocks or soil. And yet it has been constantly insisted that to reserve these minerals to the Government, to be worked upon leases, would be a violation of an established national usage as to minerals. On the contrary, it would be a great abuse of the general mineral-land laws to apply them to a special and known deposit like that in question. The situation calls for legislation applicable to the facts involved in the present instance. The general law does not fit the case.

Mineral prospecting should be done, and the rights to accrue from such prospecting under the general law should inure to those who share the hardships of a mineral region, and not merely depend upon the skillful watching of the progress of legislation. The hardy miner would not derive any advantage from the donation of these deposits under the general mineral laws, but on the contrary the only advantage would accrue to speculators who would by locations and assignments secure the monopoly and control of these valuable substances without the usual expense attending prospecting and location of mineral claims.

Mineral prospecting should not be done in the corridors of the Capitol.

These deposits are unusual. None of the reasons which have influenced Congress in the enactment of our mineral laws have application to the Uncompahgre gilsonite. The claim of right, growing out of the skill and labor used in discovery, does not apply, for the deposits are already discovered and located at the expense of the Government, and if anyone should have a claim based upon the skill and expense involved it is the Government itself. The people have paid the expense. They should have the advantages.

Again, the principle of the general mineral laws does not apply, because the deposits are local only, and limited in area, though very rich. The Pitch Lake of Trinidad is an analogous instance. A small lake, holding all the asphalt deposits of a country, should not be given away to a single person nor to a syndicate of individuals who could combine to monopolize it. It would be a great mistake to turn these rich, though very limited, deposits over to the greed of a combination of operators.

These rich and well-known deposits are not undiscovered and undeveloped wealth waiting for the hand of the explorer. They are visible assets of the Government on hand ready to be used in obtaining money

for the use of the people. To allow them to be monopolized would be a great detriment to the interests of the public.

These minerals should no longer be withheld from use.

It is quite natural that the individuals who are seeking to obtain the gift of these enormously valuable mines should urge upon Congress to give them the lands or else keep them withdrawn from use until such time as their donation may be secured. If the mines should once be opened and worked, it is not likely that anyone would ever afterwards seriously consider the proposition to donate them to a few men.

We do not believe that Congress will ever accede to these demands, if the facts are fully understood, but the attempts to secure them as a gift will no doubt continue in the future as in the past unless the Government should open them upon leases, when their value will be so evident that the impropriety of giving them away or of allowing their monopoly would be too plain to be assailed by any further argument.

The proposition to create a new class, the "gilsonite millionaire," by a prodigious donation of the public property ought not to meet much favor at a time when it is necessary to lay the hand of the taxgatherer heavily upon the people to support the Government in an expensive war. The nation has millions for defense but nothing to give away.

The free homestead to the settler and the mineral claims to the prospector are not gifts. The settler reclaims the wilderness and suffers all the hardships attendant upon pioneer life. The prospector seeks the hidden minerals and often spends a lifetime in the vain search, and his claim is awarded to him as a reward for his service in the discovery.

Ordinary minerals can not be monopolized. There is no danger of any man or combination of men obtaining control of all the mineral locations in the Union under the generous land laws of this country.

But the limited area of these deposits presents an entirely exceptional question. Under the general mineral land laws they could, and would, be promptly controlled by a syndicate.

Under the bill (S. 4317) only one claim could be taken by a single person, but this is a method that would inevitably be abused. The claims would be assignable, and would be filed by employees and speedily pass into the hands of one single organization. It is a remarkable fact that many persons who have most vigorously denounced trusts and combinations have insisted on enacting legislation expressly drawn in form to create a new trust in the gilsonite of Utah.

Your committee attach the following extracts from official documents as a matter of convenience to those who wish to investigate the propriety of this proposed legislation.

[Report of the Secretary of the Interior, 1895.]

MINERAL DEPOSITS ON UNCOMPAHGRE INDIAN RESERVATION.

Mr. Eldridge, of the Survey, was detailed informally to examine the mineral resources of the Uncompahgre Indian Reservation. He reports that gilsonite is the only mineral of known commercial value occurring on the reservation. He finds a number of large veins varying from 4 to 12 feet in width and of unknown but evidently considerable depth, from their geological relations. This indicates a vast deposit of gilsonite.

The bituminous shale, sandstone, and limestone might be of commercial value under favorable conditions for transportation. Practically the same materials elsewhere are employed either for paving purposes or made to yield up their hydrocarbons as commercial oils.

The gilsonite occurs as the filling of extensive cracks in the earth's crust. The deposits are therefore fissure veins. They are all nearly or quite vertical, and their general trend is north 45° to 55° west, a direction common to many of the folds in the mountain and plateau regions adjoining.

The number of important veins of gilsonite at present known is six—four in the eastern half of the reservation, one probably crossing the western edge of the reserve near the fortieth parallel, and one in the opened strip between the Uncompahgre and Uintah reservations, near Fort Du Chesne, the southeastern end of which perhaps lies within the Uncompahgre Reserve.

Of the four veins in the eastern half of the reservation, one, the Black Dragon, is exposed on a tributary of the West Fork of Evacuation Creek, 20 miles south of White River, near the parallel of $39^{\circ} 45'$. This vein may be traced to the head of Asphalt Creek, and has a known length of between 3 and 4 miles. Its width at an opening near the southeastern end of the fissure as exposed is 8 feet 6 inches. From this point southeastward the diminution in size is very rapid.

The second and third veins in the eastern portion of the reservation are known as the "Little Bonanza" and "Big Bonanza," the former to the west of the latter. They are approximately parallel, and from 200 to 500 feet apart. They were traced to the north of White River for nearly 3 miles, and Mr. McAndrews, of the Indian police, states also that he has followed them southeastward across the river quite to the Colorado line; in all, a distance of 10 or 12 miles. The maximum width of the Little Bonanza observed was 9 feet, of the Big Bonanza 13 feet 6 inches, but locally the Little Bonanza exceeds the Big Bonanza in width.

The "Cowboy," the fourth and largest of the important group of gilsonite veins in the eastern portion of the reservation, lies about $2\frac{1}{2}$ miles northeast of the Bonanza veins, with which it is parallel. This vein has thus far been found only north of the river, but it here has a probable length of at least 5 miles, being clearly defined in outcrop for over half this distance, while for the remainder evidences of its presence exist in the float particles found in the soil and wash covering it. The maximum thickness of this vein was found to be 18 feet.

The thickness of the veins varies from the figures given above to 0 at the ends, and they are observed to widen and contract from point to point; but for much of the lengths given they appear to maintain an excellent workable width—from 4 to 12 feet.

The vein on which the St. Louis Gilsonite Company have opened a mine, lying 3 miles east of Fort Du Chesne, is the original discovery. It is of the same nature as those already described, but is only about 4 feet wide, a width, however, held with little variation for between 1 and 2 miles, possibly even farther. The vein near the western edge of the reservation has not yet been visited.

The discovery of such veins is a matter for the prospector rather than for the geologist, as the position of a crack in broad and gently folded strata is undeterminable by any structural laws.

The amount of gilsonite in the region examined is enormous, for the depth of the fissures, though unknown, can not but be considerable—from 1,000 to several thousand feet—and, with their length and width, is indicative of phenomenal yield.

The presence on the Uncompahgre Reservation of minerals other than that already referred to is extremely questionable, particularly so in the case of the metallic ores—zinc, lead, copper, silver, gold. The entire area of the reservation, so far as a general survey and the evidence of earlier explorers (Hayden and others) show, is one of unaltered sedimentary rocks of Eocene age, devoid of all traces of eruptive action, past or present.

[Report of Secretary of Interior, 1896.]

It appears from an examination of the agreement of 1880 that the Colorado land relinquished by the Utes was to be sold for their benefit and the proceeds to be applied, first, to reimbursing the Government for the expense incurred in removing the Indians from the reservation to the lands assigned them and for the farming implements furnished them; second, to reimbursing the Government for the \$1,250,000 above mentioned; third, to paying the Government \$1.25 per acre for the agricultural lands allotted to them; fourth, the remainder as a trust fund for the Utes, to be held by the Government.

The charge of \$1.25 per acre, therefore, for the agricultural lands allotted is not to be paid by the Indians until sufficient money is realized from the sale of their Colorado lands to permit such payment without interfering with their trust fund of \$1,250,000, bearing 4 per cent interest.

The commission sent to negotiate with the Uncompahgres seems not to have understood the terms of the agreement of 1880, as in its report it is stated that the Uncompahgres declined to pay \$1.25 per acre for their new lands because they had sold

their former lands, which were of better quality, to the Government at 12½ cents per acre. If the Indians understood that \$1.25 per acre for the new lands allotted them was to be taken out of their interest-bearing trust fund, they were justified in declining to accept such a proposition, as the agreement clearly stipulates that the trust fund is a permanent one from which the Indians shall receive \$50,000 per annum annually.

The records of the Land Office give the Colorado lands relinquished by the Utes as containing 12,467,200 acres. Of this, 698,086.57 acres have been sold, realizing \$1,323,870.10. The cost of removing and settling the Utes and providing agricultural implements, buildings, stock, etc., was \$429,557.25. Consequently, \$1,679,557.25 must be realized from the sale of the Colorado lands before the Uncompahgre Utes can be required to pay \$1.25 per acre for the lands allotted them in Utah. If the commission had explained this situation, the Utes would perhaps have consented to accept the lands allotted them and to pay \$1.25 therefor when sufficient shall have been realized out of the sale of their Colorado lands to permit such a payment without interfering with their trust fund.

The commission segregated from the Utah Reservation the northeast portion thereof and reported it to the Department as all of the reservation that could prudently be classed as nonagricultural.

The House of Representatives, by resolution of January 16, 1896, asked information of the Secretary of the Interior as to what progress had been made by the commission and also "the probable time when the provision of said sections can be executed which provides for a restoration to the public domain of certain lands within the Uncompahgre Indian Reservation in the Territory of Utah." The correspondence on that subject is presented herewith in the appendix.

The last report of my predecessor, under the heading of "The Geological Survey" (page 37), states that an examination made by that Bureau has established the fact that on this reservation are large deposits of "gilsonite" or asphaltum, of great commercial value for paving and other purposes. It was thought for some time that these deposits were confined to that section of the reservation set aside by the commission as unfit for agriculture, but later it has developed that other, if not more valuable, deposits of "gilsonite" are located on that portion of the reservation not designated by the commission as subject to restoration to the public domain because not needed for allotments to the Uncompahgres.

The commission, having reported that it could not procure an agreement from the Uncompahgres to pay \$1.25 per acre for the lands allotted them, and that nothing more could be accomplished by it, was, by order of my predecessor, relieved from further duty on February 4, 1896.

It is my judgment that some legislation should be enacted whereby the people of the United States can at an early date have the benefit of these valuable and useful deposits. If the lands containing them were owned by an individual or a corporation instead of by the Government, business methods would be pursued in disposing of them; they would be sold to the highest bidder at public auction, or by sealed bids, or would be leased, or the right to work the deposits would be granted for a consideration in the shape of a royalty or otherwise. Such lands are different from agricultural, timber, or coal lands.

It is claimed that a considerable portion of the Uncompahgre and Uintah reservations, known as the "lava beds," contains a substance called "elaterite," which, with a solution recently discovered, makes a valuable paint and an insulator of incomparable quality. Such deposits of gilsonite or elaterite are of rare occurrence; in fact, I know of no other within the limits of the public domain.

As Congress took no further action on this subject after receiving the reply of my predecessor to its resolution of January 16, 1896, I have not felt justified in changing the situation as I found it.

I recommend that Congress authorize the appointment of another commission to negotiate with the Uncompahgres, explain to them how the lands allotted can be paid for without depleting their trust fund, and that authority be given such commission to sell (subject to approval of the Secretary of the Interior) the remaining portion of the lands of the reservation to the highest bidder, to lease them, or to negotiate with responsible parties for the working of the deposits, in order that the Government may be fairly compensated and to the end that the public may enjoy the benefit of a highly useful gift of nature.

If these lands were the property of the Indians, there could be no question as to the above-described method being the proper one to adopt in the disposition thereof. In my opinion, however, the Indians have no interest in these Utah lands. If there is not sufficient agricultural land within the limits of the Utah Reservation to provide for their allotments under the agreement of 1880, the Government would be under obligation to furnish agricultural lands elsewhere for allotment to the Uncompahgres.

[From appendix to report of Secretary of the Interior for 1896.]

UINTAH AND OURAY AGENCY,
White Rocks, Utah, January 14, 1896.

SIR: Referring to instructions directing me to cooperate with the board of commissioners appointed under the provisions of section 20, act of Congress approved August 15, 1894, for service connected with the Indians and the reservations of this agency, I have the honor to report that I have rendered to said commissioners all the assistance in my power, and that I believe they have accomplished as much of the purpose required of them as a proper regard for the best interest of the Government and a just and humane respect for the rights of the Indians concerned have permitted.

It is a truth known to all that have cared to inform themselves in the premises that the Uncompahgre Reservation contains insufficient land capable of being made agricultural for supplying the individual allotment allowance provided for by law for the Uncompahgre Utes now residing upon it, and that the cry that white home seekers are waiting in disappointment and distress the opening of the surplus lands of this reservation for them to settle upon is simply clatter that has originated with the impatient, greedy capitalists and their unprincipled employees, who have been for years waiting and watching for expected events that would give to them opportunities to grab and gobble up the asphalt mineral deposits that are located on the lands that will not be required in locating homesteads for the Indians.

During the service of the commissioners herein referred to the lands of the Uncompahgre Reservation that are so located as to be made available for agricultural purposes have been carefully observed, and in the plans working for the allotment of these lands to Indians full consideration has been given to the importance of providing canals and ditches for the conveyance of water thereto for irrigating purposes. Such canals and ditches have been commenced and their construction so far advanced that they will practically be completed by the end of the present fiscal year, and embrace a system capable of irrigating all the lands of this reservation worth considering as agricultural and suitable for allotment.

Besides this, a large number of homesteads with legal allotment of acreage have been laid out on section lines and inclosed with fence constructed of barbed wire on cedar posts that may be expected to last forty years. Upon 20 of these farms substantial log houses for dwellings have been constructed. These houses have paneled doors, double-sashed glass windows, shingle roof, and brick chimneys; they are respectable-looking cottages. In my judgment the allotment of lands to the Uncompahgre Utes in the manner described has been commenced in a practical, humane, and common-sense way, and, considering the peculiar provisions of the law under which the commissioners for such allotment are serving, no more could have been accomplished, and to have attempted more would have jeopardized the best interest of the public service.

Referring to the instructions for me to try and convince the Indians properly residing on the Uintah Reservation of the advantage that would accrue to them by relinquishing a portion of their lands, I have to state that from time to time during the past year I have presented this matter to representative men of these tribes, and feel authorized to state that the way is clear for the commissioners to commence their work of negotiating with these Indians, as prescribed for them in section 22 of the act of August, 1894, hereinbefore referred to, and I have no doubt that for a just and fair compensation these Indians can be induced to relinquish to the United States from the west side of their reservation 1,000,000 acres of their lands.

About the same number of farms have been laid out on the Uintah Reservation with same improvements as has been done on the Uncompahgre Reservation, and the preliminary work of allotting lands advanced fully as much, perhaps more, than has been accomplished with the Uncompahgres. I feel confident that if Congress removes the provisions for the Uncompahgres to pay for lands allotted to them, that when the spring opens the largest portion of that band can be located; that the Uintahs will cheerfully consent to give up sufficient of their lands to supply whatever deficiency may exist in suitable lands to locate the Uncompahgres upon, and that the commissioners now serving with these Indians will be able to make a great showing in their report of next season's work.

Very respectfully,

JAMES F. RANDLETT,
Major, U. S. A., Acting United States Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UINTAH AND OURAY AGENCY,
White Rocks, Utah, March 1, 1897.

SIR: With a desire to aid the honorable Commissioner of Indian Affairs in obtaining information relating to the present and prospective condition of the Uncompahgre Utes in connection with the proposition to open their reservation for settlement, I most respectfully submit as follows regarding my experience with these Indians, and my opinion with reference to providing advantageously for their future welfare:

In the fall of 1886 the military post of Fort Duchesne was established midway between the Uintah and Ouray Agency; and in April, 1887, I was assigned to duty there as commanding officer, with the understanding that it was supposed the peace of the surrounding country could be best preserved by the moral effect of the presence of the troops that were stationed at the fort for the avowed purpose of protecting the reservation rights of the Indians from the rapacity of unprincipled and lawless white people.

In 1893 the duties of acting agent at this agency were added to those of post commander. About this time it was competently decided that the Indians residing thereon had no vested rights in the lands of the Uncompahgre Reservation, but were simply occupants of United States lands reserved under order of President Arthur, January 5, 1882, and that they were liable to be removed from such occupancy at the pleasure of Congress. Consequently the hopes which these Indians had been encouraged to entertain, that they would eventually derive benefits from mineral leases of lands on this reservation, could never be realized. Knowing this, and from what had been observed during seven years, of the determination of the people who were seeking to gain possession of the asphaltum mineral deposits, it became my duty as agent for these Indians to design for their relief and to work up to the line planned. The situation showed that these Indians had been cruelly wronged by the commissioners that removed them from Colorado, under the treaty of 1880; that instead of locating them on Grand River in Colorado and in Utah, as they had been instructed, they forced them far beyond that vicinity, to the junction of Green and White rivers, in Utah; that although they had been intrusted with hundreds of thousands of dollars provided by Congress for locating these Indians on agricultural lands, furnishing them with houses to live in, and providing them with implements of husbandry, etc., not a single Indian did they locate on agricultural land, not a single habitable house did they have constructed, and nothing remained in 1893 to show what these commissioners had accomplished beyond the getting of these Indians out of Colorado and dumping them in a locality which has proven an arid waste in summer, with deathly frigid climate in winter; where, without sufficient shelters, the scanty clothing and meager rations furnished by the Department had been inadequate to prevent want and starvation, reducing their number to nearly one-half of what it was when they were brought from Colorado.

Upon careful personal exploration, competently assisted, of the bottom lands on Green River referred to by the Ute commissioners in their report to their chairman, November 21, 1881, and published in the report of the Commissioner of Indian Affairs for that year, it was found to be perfectly impracticable to attempt to make use of any of these lands for farming purposes, and that the report of these commissioners that "these bottom lands can be easily irrigated and made available by inexperienced labor" was a misrepresentation of facts, and that the Government had, since the date of that report, spent more than \$25,000 attempting to provide for irrigating that same land without attaining the least success.

Further investigation showed that there could not be found on the whole of the Uncompahgre Indian Reservation proper 10,000 acres of land that could be brought under cultivation at any justifiable expense.

Having discovered that by some agreement appertaining to the work of the Ute commissioners of 1880 provisions had been made for locating a portion of the Uncompahgres upon certain lands belonging to the Uintah Reservation, "along the Du Chesne, from its junction with the Green River up to a point 8 miles above the mouth of Uintah," I decided to commence locating them there.

The land of the river bottom comprised within the limits described available for irrigation does not exceed 15,000 acres. It was evident that sooner or later arrangements would have to be made to obtain more lands from the Uintah Reservation upon which to settle the Uncompahgres, if they were ever to be provided with farming lands for homesteads in Utah, and that preparation for this arrangement should be made at once. Some four or five families having already gone 20 miles above the 8-mile point on the Du Chesne, and located there without objection from the Uintah Reservation Indians, I concluded it would be best to encourage others to follow them, and, with the assistance of Lieut. L. M. Koehler, of the Ninth Cavalry, commenced a survey of the bottom lands of the Du Chesne as far up as the Uncompahgres had located, the result showing that by providing and maintaining seven main canals water could be taken from the Du Chesne and Uintah rivers (one canal from the east side of the Uintah) sufficient to cover all lands from the 20-mile point

named above down to the confluence of the Du Chesne with the Green River, estimated at 30,000 acres at least. After adopting this plan, I was able to obtain funds from the Department from time to time to continue this work.

The canals or main ditches are provided with substantial head gates. The longest and most important of these canals was taken out from the Du Chesne, 10 miles above the bridge on the Price road. The head gate is just above where the first Uncompahgres located. It runs 2 miles below the bridge, and there the waste water flows to the river. It covers 16,000 acres of good agricultural land. Above the confluence of the Du Chesne and Uintah rivers there are now located twenty-two families of the Uncompahgres.

The heads of these families have been supplied with good, comfortable houses, and given the stipulated allotment allowance of agricultural land. These homesteads are all fenced with cedar posts and barbed wire in a manner that will last forty years, the fences running on sectional lines as per recorded official survey.

Water ditches and laterals have been provided, so that these farms are amply supplied with water for irrigation. On eighteen of these good crops were harvested last season, and on each from 5 to 40 acres were seeded to lucerne, which will supply hay next season. All these families are living in houses provided for them, and are enjoying comfortably equipped homes, to which they are constantly, in their own way, adding improvements.

For the benefit of these Indians a fine school plant has been established. It is located 3 miles above the point where the Uintah and Du Chesne meet, comprises three two-story brick buildings, one being used for study and recitations, one for boys' dormitory, the other for girls' dormitory, general mess hall, and quarters for female industrial teachers. The other buildings are a two-story frame laundry, a storehouse for property, a playhouse or gymnasium for boys, a stable for animals, and a fine residence for the agency physician. One-half mile from the school the Episcopal denomination has established a mission, and has erected and completed to the finish a beautiful chapel (that would be so called in any rural district) and a neat cottage for the resident missionary. The missionary people are doing good work there, and are very popular with the Indians, both old and young.

I am daily expecting to be relieved from duty as acting Indian agent, and, in submitting this my last report referring to the Uncompahgres, wish to urge upon the Department the great importance of having the work that has been commenced, as reported herewith, energetically continued upon the lines established. The most important feature to be considered is the care and keeping of the water ditches. The rivers from which they are taken are always greatly swollen in the spring, and for a few years there will be danger of the head gates being destroyed; the soil through which all the main canals pass is light and washes away easily, so that the water courses are liable to be obstructed by drifting sands; these interests will require the attention of a competent, reliable man for superintendent of water ditches to be added to the list of employees allowed for the Ouray Agency, and I recommend that such a position be established, at a salary of \$1,000 per annum, and that the place be given to John McAndrews, who has been employed at the Ouray Agency as chief herder and chief of police during the past twelve years. McAndrews has assisted in the work of surveying and constructing the water improvements from the commencement; he is a man of excellent judgment, an all-around useful man on the agency, capable of performing any work that emergency requires. He knows every Indian of the reservation well, is a man of excellent moral character, and has great influence among these Indians; indeed, the Indians think better of him than any other living white man, and he can do better with them than any other person can.

It is to be regretted that the appropriation for the coming fiscal year is to be insufficient to insure a continuation of constructions for these Indians as extensively as during the past year. There is on hand material, consisting of logs, for a few more houses, and posts and wire for three or four more 160-acre tracts. There is on hand to my credit in the Deseret National Bank, at Salt Lake City, \$2,000, reserved for expense of repairs on irrigating canals during the present spring. Of this money, \$1,000 belongs to Uintah Agency and \$1,000 to the Uncompahgres.

It will be absolutely necessary during this spring to expend this money for the purpose for which it was furnished, and I trust that the authority required for this may be granted to my successor at a very early day. These Indians have been led to believe that the Uncompahgre Reservation was given to them absolutely, to occupy and hold under the same conditions that the Uintah Reservation is owned by the Indians residing thereon. How they will receive the opening of their reservation on the provisions of Senator Cannon's amendment to the Indian appropriation bill no one can tell.

I am of the opinion that if this proposed measure becomes a law more trouble will be experienced from the whites than from the Indians. There are a few White River Utes, residing on the lands where the largest deposit of asphaltum is located,

that it will be hard to appease. How far their desperation may lead them, or how far it will extend among other Indians, I make no prediction. The Uncompahgres have always been peaceably inclined, and I am firmly convinced, if proper provisions are made for locating them according to the plans herein named, that under the management of a judicious and energetic agent, assisted by the trained and faithful employees that I leave him, the Uncompahgres will accept the situation peaceably, and that no serious trouble with them need be experienced.

I regret that I am unable to forward an outline map with this report, but Mr. E. E. White, of the Interior Department, will be able to explain with regard to all locations.

Very respectfully,

JAMES F. RANDLETT,
Lieutenant-Colonel, U. S. A., Acting U. S. Indian Agent.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UINTAH AND OURAY AGENCY,
White Rocks, Utah, March 7, 1897.

SIR: I have the honor to request the consideration of the Department to the amendment of the Indian appropriation bill providing for the opening of the Uncompahgre Indian Reservation, which passed Congress March 3, 1897, and which failed to become law by its not receiving the approval of the President.

As published in the newspapers of the country, this amendment ignores entirely the rights and interests of the Indians residing on a reservation which was created for their exclusive benefit by proclamation of a President of the United States, which proclamation when considered in just reasoning appears unquestionably as intended to accord and secure to the Uncompahgre Utes an abiding place where they could not be molested or interfered with in their right of occupancy, and which right of occupancy should last until the General Government should carry out and complete the promises and stipulations contained in the treaty of 1880, under provisions of which they gave up their land in Colorado and were removed to Utah.

I have been stationed among these Indians ten years, the last four years of which time serving as their agent, and from my personal knowledge they have all this time been patiently awaiting the fulfillment of the promise made to them by the Government in treaty referred to, that they should be provided with homes and agricultural land for the establishment of homes where they might hope to become self-supporting and fitted for citizenship in civilized communities. The amendment referred to implies that some of these Indians have been allotted land on their reservation, and that it would be possible under provisions already made to locate the remainder of the band before the 1st of January, 1898; when the truth is that not a single Indian has been allotted an acre of land on the Uncompahgre Reservation, and that no provision exists whereby such allotment could possibly be made between present time and time set in the amendment for the general opening of this reservation.

Had the Indian appropriation bill referred to become a law, the effect of this amendment would have been to permit the Indians residing on the Uncompahgre Reservation to be overrun and completely dispersed by asphaltum prospectors and claim locaters, and every semblance of justice and fair dealing on the part of the Government in dealing with their interest would have been outraged. Admitting that these Indians have no vested rights in the lands of their reservation, as their former agents have believed and have taught them to believe they possessed, I am sure that the Congress of the United States, if properly informed in the premises, will never enact laws for the purpose of banishing them out of Utah or for evading strict compliances with treaty stipulations made with them.

I therefore, in behalf of these Indians, as their agent, beg that this communication may be referred for the consideration of the proper committees of the two Houses of Congress, with recommendation from the honorable Commissioner of Indian Affairs that no law be enacted for the opening of the lands of the Uncompahgre Indian Reservation for settlement by whites, excepting such portions of it as may be strictly classed mineral, until the Indians for whose benefit said reservation was set apart shall have been provided with homestead remunerations promised them for giving up their lands in Colorado under treaty of 1880; and until such remunerations are made the opening of their reservation shall be confined to the limits described by the Commissioners appointed under act approved August 15, 1894, as mineral land not required for allotment to Indians as homesteads.

It is thought appropriate to add that of the 2,000,000 acres (estimated) within the limits of the Uncompahgre Reservation only small parts here and there are good grazing lands, on which the Indians keep their small bunches of cow stock, sheep, and ponies, and that in all the scattered patches of agricultural land there are not

10,000 acres capable of being brought under cultivation by irrigation at a reasonable expense.

Very respectfully,

JAMES F. RANDLETT,
Lieutenant-Colonel, U. S. A., Acting U. S. Indian Agent.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UINTAH AND OURAY AGENCY,
White Rocks, Utah, March 23, 1897.

SIR: I have the honor to submit, as additional to my report of 15th instant, that on the 4th of March, 1897, there were more than thirty location notices placed upon the lands of the Uncompahgre Indian Reservation, signed by Thomas Lloyd as agent, and that among the names of the persons so located appear those of Heber M. Wells, James T. Hammond, and Arthur Brown. Mr. Lloyd is known as State mine inspector of Utah, Heber M. Wells is governor of Utah, James T. Hammond is secretary of state, and Arthur Brown is supposed to be ex-United States Senator from Utah.

I consider this additional report, if not very important, very interesting in connection with the sentimental pleadings that have recently been made before the Congress of the United States about the hazards and hardships that were experienced by the poor prospectors that discovered the mines in question, and as indicating what to expect for results if the locations made upon this reservation during the past two years are not annulled by an act of Congress.

Very respectfully,

JAMES F. RANDLETT,
Lieutenant-Colonel, U. S. A., Acting U. S. Indian Agent.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

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